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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,058	12/03/2003	Tonni Sandager Larsen	40000-0050	1351
20480	7590	09/19/2006	EXAMINER	
STEVEN L. NICHOLS RADER, FISHMAN & GRAVER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			CHU, DAVID H	
			ART UNIT	PAPER NUMBER
			2628	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,058

Applicant(s)

LARSEN ET AL.

Examiner

David H. Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Acknowledgment is made of the amendment filed by the applicant on 6/27/2006, in which:
2. Independent claim 24 was amended;
3. Claims 1-49 are currently pending in U.S. Application Serial No. 10/728,058 and an Office Action on the merits follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 10, 12, 14, 24, 25 and 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eric et al. ("Flash MX Tutorials"), and further in view of Ueno et al. (U.S. Patent No. 6483609).**

5. Note with respect to claim 1,

6. Eric et al. teaches:

7. A method of transitioning between two high resolution images in a slideshow, said method comprising:

8. Replacing a first image with a compressed first image; (pg 30-31, Modify bitmap compression)

9. Fading out said compressed copy of said first image to reveal a second image (pg 32-36, all steps). '

10. However, Eric does not expressly teach:

11. Replacing a first image with a lower resolution copy of said first image;

12. Ueno et al. teaches:

13. Converting high-resolution image data into low-resolution image data and furthermore compressing the data (col. 2, line 46-54).

14. Therefore, it would have been obvious to one of an ordinary skill in the art modify the image compression step of Eric et al. to convert an image to a lower resolution prior to compression as taught by Ueno et al., because this will reduce the transmitted or stored data amount.

15. Note with respect to claim 2,

16. Eric et al. does not expressly teach:

17. The method of claim 1, further comprising disabling a graphic overlay and displaying said first image prior to replacing first image.

18. However, it is well known in the art, to select all unwanted objects (including graphic overlays) and delete (clear) them as desired.

19. Further, Eric et al. teaches deleting keyframes if it has been added by mistake (pg 32, "Note" under step 8 of "Edit a symbol").

20. Therefore, it would have been obvious to one of an ordinary skill in the art apply the method of disabling a graphic overlay and displaying said first image to the

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teachings of Eric et al., because this will allow the prevention of displaying unwanted images.

21. Note with respect to claim 3,

22. Eric et al. teaches:

23. The method of claim 1, further comprising pointing a video overlay at said first image to display said first image prior to said replacing of said first image (pg 30-31, Modify bitmap compression).

24. The process of importing an image and modifying the bitmap compression as taught by Eric et al., while utilizing a preview window, inherently show that he first (original) image is displayed prior to replacing it.

25. Further, the examiner understood the step of "pointing a video overlay at first image" as the equivalent to the step of displaying the first image. The video overlay, as recited by applicant, is merely the step or method of displaying an image in the video buffer.

26. As discussed above, to import an image for compression, inherently displays the image on the workspace of Flash MX.

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27. Note with respect to claims 10 and 12,

28. Eric et al. teaches:

29. The method of claim 1, wherein said first/second image is a still image (pg 29-30, Import images into the library).

30. Note with respect to claim 14,

31. Eric et al. does not expressly teach:

32. The method of claim 1, further comprising centering and resizing said first and second images to fit respective buffers prior to said replacing said first image.

33. However, Eric et al. teaches the alignment of objects relative to one another, and the alignment of objects relative to the workspace/stage (pg 42, step 6 "Align buttons").

34. Therefore, it would have been obvious to one of an ordinary skill in the art to modify the alignment teachings of Eric et al. to align the first and second images as recited by applicant, because this will allow smoother transition.

35. Note with respect to claim 24,

36. Eric et al. teaches:

37. A media viewer application ("Flash MX" taught by Eric et al.) stored on a medium for storing processor-readable instructions,

38. Said application comprising a slideshow function [pg 32-36, all steps],

39. Wherein said slideshow function, when invoked, automatically displays a sequence of images stored on a selected storage medium to produce a slideshow [pg 36, Test the movie].

40. Fading out said compressed copy of said first image to reveal a second image [pg 32-36, all steps].

41. However, Eric does not expressly teach:

42. Replacing a first image with a lower resolution copy of said first image;

43. Ueno et al. teaches:

44. Converting high-resolution image data into low-resolution image data and furthermore compressing the data (col. 2, line 46-54).

45. Therefore, it would have been obvious to one of an ordinary skill in the art modify the image compression step of Eric et al. to convert an image to a lower resolution prior to compression as taught by Ueno et al., because this will reduce the transmitted or stored data amount.

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46. Note with respect to claim 25, claim 25 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 25.

47. Note with respect to claims 29 and 31, claims 29 and 31 are similar in scope to the claims 10 and 12, thus the rejections to claims 10 and 12 hereinabove are also applicable to claims 29 and 31.

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48. Claims 4-9, 11, 13, 26-28, 15-23, 30, 32 and 33-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eric et al., in view of Ueno et al., and further in view of Torres et al. (U.S. Patent No. 6738075).

49. Note with respect to claims 4 and 9,

50. Eric et al. does not expressly teach:

51. The method of claim 1, further comprising storing said first image in first video buffer. And;

52. The method of claim 1, further comprising storing said second image in a second video buffer.

53. However, Torres et al. teaches:

54. A massive storage device 122 (col. 3, line 61). It is inherent for a storage device to have plural storage locations (first/second video buffers).

55. Therefore, it would have been obvious to one of an ordinary skill in the art to store the first and second images taught by Eric et al. to the storage device of Torres et al., because the method of Eric et al. will not be able function without storing data in a storage device.

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56. Note with respect to claim 5,

57. Eric et al. teaches:

58. The method of claim 3, further comprising making said lower resolution copy of said first image as discussed above with respect to claim 1.

59. However, Eric et al. does not expressly teach:

60. Storing said lower resolution copy of said first image in a graphic buffer.

61. Torres et al. teaches:

62. A DRAM 126 that is used to store still image and graphics data, wherein said graphic data is used as an overlay to video (col. 4, line 29-33) (col. 5, line 25-34).

63. Therefore, it would have been obvious to one of an ordinary skill in the art to store the lower resolution copy taught by Eric et al. into the DRAM taught by Torres et al., because the method of Eric et al. will not be able function without storing data in a storage device.

64. Note with respect to claim 6,

65. Eric et al. does not expressly teach:

66. The method of claim 5, further comprising:

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67. Pointing a graphic overlay at said lower resolution copy of said first image and enabling said graphic overlay.

68. However, Torres et al teaches, a mixer that overlay graphic data from the DRAM, discussed above, to video (col. 5, line 25-34).

69. Therefore, it would have been obvious to one of an ordinary skill in the art to consider the lower resolution copy of said first image as a graphic overlay to the first image and display it as recited in claim 5, because this will enable a more efficient transitioning process

70. Note with respect to claim 7,

71. Eric et al. does not expressly teach:

72. The method of claim 6, further comprising completely covering a display of said first image with said graphic overlay of said lower resolution copy of said first image.

73. It would have been obvious to one of an ordinary skill in the art to completely cover said first image with a with said graphic overlay of said lower resolution copy of first image, because not being able to completely cover the higher resolution image will be less efficient during special effect transition.

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74. Note with respect to claim 8,

75. Eric et al. teaches:

76. The method of claim 6, further comprising pointing said video overlay at said second image before fading out said lower resolution copy of said first image to reveal said second image [pg 32-36, all steps].

77. Note with respect to claims 11 and 13,

78. Eric et al. does not expressly teach:

79. The method of claim 1, wherein said first/second image is a frame of a video clip.

80. However, Torres et al. teaches:

81. Creating a slideshow from randomly selected ones of a heterogeneous media objects (col. 2, line 36-50).

82. It would have been obvious to one of an ordinary skill in the art to utilize a frame of a video clip as one of the heterogeneous media taught by Torres et al. for creating a slideshow as taught by Eric et al., because this will allow the user to gain access to added variety of data and customization.

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83. Note with respect to claim 26, claim 26 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 26.

84. Note with respect to claim 27, claim 27 is similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claim 27.

85. Note with respect to claim 28, claim 28 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 28.

86. Note with respect to claims 30 and 32, claims 30 and 32 are similar in scope to the claims 11 and 13, thus the rejections to claims 11 and 13 hereinabove are also applicable to claims 30 and 32.

87. Note with respect to claim 15, claim 15 is similar in scope to the claims 4, 5, 9, 1, thus the rejections to claims 4, 5, 9, 1 hereinabove are also applicable to claim 15.

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88. Note with respect to claim 16, claim 16 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 16.

89. Note with respect to claim 17, claim 17 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 17.

90. Note with respect to claim 18, claim 18 is similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claim 18.

91. Note with respect to claim 19, claim 19 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 19.

92. Note with respect to claims 20 and 22, claims 20 and 22 are similar in scope to the claims 10 and 12, thus the rejections to claims 10 and 12 hereinabove are also applicable to claims 20 and 22.

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93. Note with respect to claims 21 and 23, claims 21 and 23 are similar in scope to the claims 11 and 13, thus the rejections to claims 11 and 13 hereinabove are also applicable to claims 21 and 23.

94. Note with respect to claim 33,

95. Eric teaches:

96. The media viewer application as discussed above with respect to claim rejection 24.

97. However, Eric et al. does not expressly teach:

98. A system for displaying images stored on a storage medium, said system comprising:

99. A video monitor; and

100. A device for reading a data storage medium and outputting a signal to said video monitor.

101. Torres et al. teaches:

102. A system for displaying images stored on a storage medium, said system comprising:

103. A video monitor ([display screen 140], col. 3, line 67); and

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104. A device ([CPU], col. 4, line 4-5) for reading a data storage medium and outputting a signal to said video monitor (col. 3, line 51 – col.4 line 23).

105. Therefore, it would have been obvious to one of an ordinary skill in the art to apply the system teachings of Torres et al. to the media viewer application teaching of Eric et al., because the user would not be able to utilize the application without the system recited above.

106. Note with respect to claims 34-39, it is well known in the art to apply said device for reading said data storage medium to the different devices as recited by applicant.

107. Therefore, it would have been obvious to one of an ordinary skill in the art to utilize the different devices recited by applicant, because they are merely different devices capable of carrying out the same function.

108. Note with respect to claim 40, claim 40 is similar in scope to the claim 16, thus the rejections to claim 16 hereinabove are also applicable to claim 40.

109. Note with respect to claim 41, claim 41 is similar in scope to the claim 17, thus the rejections to claim 17 hereinabove are also applicable to claim 41.

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110. Note with respect to claim 42, claim 42 is similar in scope to the claim 18, thus the rejections to claim 18 hereinabove are also applicable to claim 42.

111. Note with respect to claim 43, claim 43 is similar in scope to the claim 19, thus the rejections to claim 19 hereinabove are also applicable to claim 43.

112. Note with respect to claim 44, claim 44 is similar in scope to the claim 33, thus the rejections to claim 33 hereinabove are also applicable to claim 44.

113. Note with respect to claims 45-48, claims 45-48 are similar in scope to the claims 34-37, thus the rejections to claims 34-37 hereinabove are also applicable to claims 45-48.

114. Note with respect to claim 49, claim 49 is similar in scope to the claim 24, thus the rejections to claim 24 hereinabove are also applicable to claim 49.

Response to Arguments

115. Applicant's arguments filed 6/27/2006 have been fully considered but they are **not persuasive.**

116. Note with respect to claims 1 and 24,

The applicant argues:

a) Flash and Ueno references do not teach or suggest the claimed method of transitioning between images in a **slideshow.**

*[In response to applicant's arguments, the recitation **slideshow** has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).]*

b) Flash and Ueno References do not teach or suggest, in a **slideshow,** replacing a displayed first image with a lower resolution copy of the same image and then fading out the lower resolution copy to reveal a **second image.** Wherein, Flash reference teaches transitioning between

three different images of views, in contrast to **replacing a high-res image with a low-res copy of the same image** as claimed.

[Refer to the examiner's response to the applicant arguments above, regarding the limitation of a slideshow occurring in the preamble.]

Further, the applicant does not disclose in the claim the first image being displayed. However, the steps taught by Flash regarding importing an image and changing the compression utilizes a library window, within which the image is displayed prior to changing the compression (pg 30-31 Flash, "Modify Bitmap Compression").

Note further, as discussed in the previously presented action, fading three different images as a transition effect from one to another is the equivalent to fading the first image to reveal a second image, wherein the Examiner, in the previously presented action, discussed that it is known to compress image data (such as the first image) to conserve memory.]

- c) Ueno reference teaches compressing different layers or components of a single image that has been scanned. Ueno does not teach or suggest anything about a **slideshow**.

[The Ueno reference, as a secondary reference, is not required physically to disclose the limitation of changing a high-resolution image to a low-resolution image. However, the Ueno

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*reference clearly **suggests** the teaching of changing a high-resolution image to a low-resolution image (col. 2, line 46-54). Therefore, modifying the compression teachings of Flash to include the features (compression process involving changing a high-resolution image to a low-resolution image) is suggested by the Ueno reference.]*

117. Note with respect to claims 4-9, 26-28 and 33-49,

The applicant argues:

- a) As with Flash and Ueno references, Torres reference does not teach or suggest the subject matter of a **slideshow configured to replace a first image with a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a second image.**

[Refer to the examiner's response to the applicant arguments above with respect to claim 1 and 24 above.

Further, the examiner combined the teachings of Torres because of the limitations in the dependent claims not taught by the Flash and Ueno references.]

118. Note with respect to claim 15,

The applicant argues:

- a) The Office Action does not include independent claim 15 and its dependent claims, by claiming them to be similar in scope to independent claim 1.

[The examiner clearly states that the limitations of claim 15 are similar in scope to claims 4-5 and 9, in addition to claim 1. The limitations of claims 1, 4-5 and 9 constitute the limitations of claim 15. Therefore the rejections presented in the previous action with respect to claims 1, 4-5 and 9 are applicable to claim 15.]

- b) Flash and Ueno references fails to teach or suggest a **system** which a **chip** is **configured to replace said first image with said lower resolution copy of said first image and fade out said lower resolution copy of said first image to reveal a second image.**

[It is inherent that Flash is an application that is stored on a system operated by a CPU (chip) to carryout the teachings, as recited in claims 1, 24 and 15, applied in the previously presented action.]

119. Note with respect to claim 2,

The applicant argues:

- a) Applicant **disagrees with the official notice** taken by the Examiner and requests a reference to be cited that teaches the subject matter of claim 2.

*[The Flash reference teaches a transparency transitioning effect between three different images on different layers. The first image can be the **graphic overlay**, as recited by applicant, that fades out (**disabled**) to reveal the next image, first image of applicant.]*

120. Note with respect to claim 3,

The applicant argues:

- a) Flash reference does not teach or suggest or mention a **video overlay that is pointed at a particular image to display that image.**

*[Referring to the rejection presented in the previous action above with respect to claim 1, the imported image itself is the **video overlay**, which is placed on top of the background layer (best shown in step 1 of "Create a movie clip symbol", pg 31). The video overlay pointing at the first image to display said first image is the equivalent to the video overlay pointing at the address of the first image that is to be designated as the video overlay.]*

Conclusion

121. This action is made **non-final** because the Examiner missed addressing dependent claim 14 in the previous action.

122. **Statler** ("Creating a JPEG slide show with XML", http://www.adobe.com/support/flash/applications/jpeg_slideshow_xml/) teaches:

- Creating a JPEG slideshow with XML using Flash.

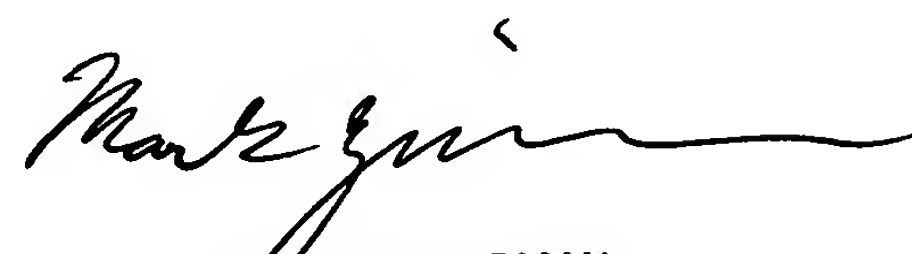
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-TH 9:00am - 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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